IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2687 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE H.K.RATHOD

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

GUJARAT PLASTIC AND METAL CONTAINERS PVT.LTD. - Petitioner(s)
Versus
VASANT KUMAR GIRDHARBHAI PATEL & 1 - Respondent(s)

==========

Appearance :
MR KM PATEL for Petitioner(s) : 1,
MR RAJESH P MANKAD for Respondent(s) : 1,
None for Respondent(s) : 2,
==========

CORAM : HONOURABLE MR.JUSTICE H.K.RATHOD

Date : 23/03/2006

ORAL JUDGMENT

1. Heard the learned Advocate, Mr.K.M.Patel, appearing on behalf of petitioner and learned Advocate,

Mr.R.P.Mankad, appearing on behalf of respondent No.1.

2. Learned Advocate, Mr.K.M.Patel, appearing for petitioner, submitted that respondent No.2 being a formal party, no relief is prayed by the petitioner against respondent No.2. Therefore, he requests to delete respondent No.2. In view of this, respondent No.2 – Gujarat Blowplast Containers Pvt. Ltd. is deleted from the cause title.

3. Rule is issued in this matter and with consent of both the learned Advocates, matter is taken up for final hearing today.

4. In the present petition, petitioner has challenged the order passed below Application Exh.65 by Labour Court, Ahmedabad in Reference (LCA) No.2024 of 1986. The Labour Court, Ahmedabad has rejected the Application Exh.65, wherein, the amendment is required to be made by the petitioner in respect to written statement, Exh.10.

5. I have considered the submissions made by both the learned Advocates. The issue is very short looking to the submissions made by both the learned Advocates. The

request made by petitioner before the Labour Court that there are two written statements filed by two Companies and two Companies are joined as a first party in the Reference. But, by mistake, Exh.10 and Exh.11 are the two written statements in the name of Gujarat Blowplast Containers Pvt. Ltd. From the record, it appears that as if there is no reply from the petitioner on record. Therefore, just to correct the record a mistake which has been committed is required to be corrected and for that, Application Exh.65 was filed with a prayer to treat the written statement, Exh.10 as if it is filed by the petitioner, instead of Gujarat Blowplast Containers Pvt. Ltd.

6. Learned Advocate, Mr.Mankad, submitted that more than 20 years have passed as the Reference is of 1986 and such type of application will further delay the matter. Therefore, it was objected by respondent before the Labour Court, Ahmedabad. According to my opinion, there is no question of further delay in the matter when this correction is to be recorded by the Labour Court. The only correction to be recorded by the Labour Court is that instead of written statement Exh.10 filed in the name of Gujarat Blowplast Containers Pvt. Ltd., it should

have to be considered the written statement of present petitioner. The request to file fresh written statement by the petitioner before the Labour Court after 20 years is required to be rejected. Such request cannot be entertained when the matter is at the stage of argument of the petitioner. Therefore, according to my opinion, if it is directed to the Labour Court, Ahmedabad in Reference No.2024 of 1986 to treat Exh.10 written statement in the name of petitioner and not in the name of Gujarat Blowplast Containers Pvt. Ltd and accordingly, Labour Court, Ahmedabad is directed to proceed further as if the written statement, Exh.10, is filed by present petitioner.

6. In view of the above observations and directions, order passed by Labour Court, Ahmedabad below Application Exh.65 in Reference (LCA) No.2024 of 1986 is modified. Rule is made absolute to that extent. No costs.

(H.K.RATHOD,J.)

(vipul)